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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,092	08/17/2000	Klaus Klemm	732/00018	4782

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WASHINGTON, DC 20036

EXAMINER

BAHTA, ABRAHAM

ART UNIT	PAPER NUMBER
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1775

DATE MAILED: 10/22/2002

5

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/640,092

Applicant(s)

KLEMM ET AL.

Examiner

Abraham Bahta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-11 is/are allowed.
- 6) ☒ Claim(s) 13-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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***Election/Restriction***

1. Applicant's election without traverse of Group I in Paper No.4 is acknowledged.

Accordingly, claim 12 is withdrawn from further consideration.

Rejoinder of the claim would be considered upon indication of allowable subject matter pursuant to MPEP 821.04.

***Claim Rejections - 35 USC § 112***

2. Claims 1-11 and 13-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 1 is not clear. It is not clear what is encompassed by the term "household devices". Does the term "household device" include blenders, food processors, bread maker, toaster and washing machine? Further, claim 1 is not clear because it is not understood what is meant by "molded-on functional elements". Clarification is requested. In addition, the phrase "the reinforcer has a structure of a sheet and has a closed lower side" is not clear. It is not understood how a sheet can have a closed lower side. "Cover plate" implies a certain amount of visibility however it is not clear if the cover plate is a separate structure or is an integral part of the household device.

4. Claim 13 is confusing in that it is not understood if applicant intends to claim a method of using a cover plate or a method of assembly of the cover plate. Claim 13 merely recites securing integrated, molded-on functional elements to the reinforcer and bonding the reinforcer to the

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decorative part. This does not appear to be a method of using the cover plate. Appropriate correction is requested. Also, it is not clear how cover plate is "used" with a household device.

5. Claims 14-17 are drawn to a method of using a cover plate but, since the claims do not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. The claims are incomplete in the absence of method steps.

6. As best understood by the Examiner the claims are rejected as discussed below. The Applicant is requested to address the rejection under 37 USC 112 and the required information under 37 CAR 1.105 so that the Examiner can make a better comparison between the presently claimed invention and the prior art.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-11 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier et al (USP 5,830,552).

Meier teaches a cover plate for household devices such as a refrigerator or dish washing machine (col., 4, lines 54+) comprising a core plate and a decorative part. See col. 5, lines 4-8. The reference also teaches the cover plate reinforcer sections have two angled sections injection

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molded as a closed frame. Further, the reference teaches the frame may comprise individual ribs in which the ribs absorb compressive forces. See col. 4, lines 33-39. Meier teaches that the plate constructed is intended mainly as a cover plate for kitchen appliances and that the leg of the inner frame or the injection molded on strip engaging over the underside has the necessary sections or profiles for fixing the plate to the kitchen appliance casing. See col. 4, lines 54-59. In addition the reference teaches the core plate is provided with an insulating plate made from another material with thermal and/or acoustic insulating properties and the core plate may be made from a wooden material and can be provided on its top surface with a cut and scratch-proof material and optionally also decorative top or cover coating, whereas, the insulating plate can be made from a foamed plastic. See col. 5, lines 1-8. The cover plate may also be made from glass, plastic or metal. See col. 5, lines 42-53.

8. The reference does not specifically mention molded-on functional elements; however, since the reference at col. 4, lines 54-59 suggests that the plate constructed is intended mainly as a cover plate for kitchen appliances and that the leg of the inner frame or the injection molded on strip engaging over the underside has the necessary section or profiles for fixing the plate to the kitchen appliance casing, it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct the necessary functional elements so that the product may fit over a household device.

9. Regarding claim 5, the reference teaches the cover plate has a core plate. It is the Examiner's position that a plate may be a sheet of material.

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10. Concerning claim 6, the reference does not require the reinforcer or the core plate to have a structure of a box or a crate; however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to design the reinforcer or the core plate as a box or crate depending on the shape of the household device for which the cover plate is intended.

11. With respect to claims 8-10, the reference does not require integrated, molded-on functional elements comprising a dispenser box, condensation box, or integrated water duct; however, since the reference teaches the cover plate is intended as a cover plate for kitchen appliances such as a refrigerator or dishwasher, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the cover plate by providing the necessary functional elements depending on the household appliance for which the cover plate is intended.

12. Regarding claim 11, the reference teaches the core plate may be made from a plastic material. See col. 5, lines 47-48.

13. Regarding claims 14-17, as discussed above, the cover plate of Meir is intended for use as a household device cover plate and that the household device may be a dishwasher or refrigerator.

#### **Response to Applicant's arguments**

14. With respect to Meier '552 the applicant argues that the general disclosure of a frame for attachment as disclosed by Meier would not suggest to one of ordinary skill in the art to produce the reinforcer with integrated molded-on functional elements nor would it suggest to the skilled artisan a molded-on-functional element that is used for attachment as cited in the instant claimed

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invention. However, the Examiner maintains the position that since the reference suggests that the leg of the inner frame or the injection molded on strip engaging over the underside has the necessary section or profiles for fixing the plate to the kitchen appliance casing, one of ordinary skill in the art motivated by the desire to provide a cover plate to a kitchen appliance or household device would find it obvious to provide integrated, molded-on functional elements to the cover plate of Meier because Meier suggests “ the injection molded on strip has the necessary section or profiles for fixing the plate to a kitchen appliance”.

15. Further, the applicant argues that one of ordinary skill in the art would not have a reasonable expectation of success of producing the instant invention in light of the disclosure of Meier because Meier requires a wooden core plate which may have a top surface of glass, plastic core metal; the applicant continues to argue that the instant invention is composed of (1) a decorative part and (2) a reinforcer having the structure of a sheet or box or crate. The Examiner contends that the cover plate of Meier also has a decorative part or decorative top or cover coating and other support or reinforcer materials such as insulating plate and ribs. See col. 4, lines 60-65.

16. The applicant admits that the Meir disclosure says that the core plate may be made form glass, plastic or metal and applicant argues that Meier et al disclose eleven embodiments of their invention with a core plate made from a wooden material which is covered with a moistureproof top or cover coating and that none of the examples disclosed in Meier disclose a core plate made of plastic, glass or metal. The Examiner contends the fact remains that Meier at col. 5, line 47

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suggests the cover plate can also be made from glass, plastic or metal and the reference can be used for all it teaches and is not held merely to the examples.

**Required information under 37 CAR 1.105**

17. Applicant and the assignee of this application are required under 37 CAR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

18. The information is required to complete the background description in the disclosure by documenting how the cover plate is affixed to or used with the household device.

19. In response to this requirement, please provide the title, citation and copy of each publication that any of the applicants relied upon to develop the disclosed subject matter that describes the applicant's invention, in particular drawings and photographs of the cover in combination with the household device. It is not clear if the claimed cover plate is separate from the household device or is an integral part of the final manufactured device. It is requested that applicant supply a figure/drawing exemplifying the cover plate in combination with a household device such as a front loading washing machine. For each publication, please provide a concise explanation of the reliance placed on that publication in the development of the disclosed subject matter.

20. Further, in response to this requirement, please provide the title, citation and copy of each publication that any of the applicants relied upon to draft the claimed subject matter. For



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each publication, please provide a concise explanation of the reliance placed on that publication in distinguishing the claimed subject matter from the prior art.

21. The information is required to identify products and services embodying the disclosed subject matter of claims 1-17 and identify the properties of similar products and services found in the prior art.

22. Any inquiry concerning this communication should be directed to Abraham Bahta at telephone number (703) 308-4412. The Examiner can normally be reached Monday-Friday from 9:30 AM -6:00 PM (EST).

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor Deborah, Jones, can be reached on (703) 308-3822.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.



A. Bahta

10/01/02

  
DEBORAH JONES  
SUPERVISORY PATENT EXAMINER